



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.9218 of 2022
and W.M.P.No.8972 of 2022

Vishwa Hindu Vidya Kendra,
Rep. By its President Mr.S.Vedantam,
No.43, Ramanujam Street, T.Nagar,
Chennai 600 017.

.. Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department (Admin),
Nungambakkam, Chennai 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Thirunelveli.
- 3.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowment Department,
Kanyakumari District Temples, Suchindram,
Kanyakumari.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 3rd respondent from proceeding further pursuant to the impugned order of the 2nd respondent in proceedings in Misc. Petition No.02/2012/A2 dated 29.03.2022 pending disposal of the Revision Petition filed by the petitioner before the 1st respondent herein in SR No.16550 dated 04.04.2022.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.N.R.R.Arun Natarajan
(Special Government Pleader)



O R D E R

This Writ Petition is filed by the petitioner seeking for a direction to the 3rd respondent from proceeding further pursuant to the impugned order of the 2nd respondent in proceedings in Misc. Petition No.02/2012/A2 dated 29.03.2022, pending disposal of the Revision Petition filed by the petitioner before the 1st respondent herein in SR No.16550 dated 04.04.2022.

2.By consent of the learned counsel appearing for the petitioner as well as the learned Special Government Pleader, who takes notice for the respondents, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the entire materials available on record.

4.According to the petitioner Society, they are the owners of the property in question. The 3rd respondent issued notice to the petitioner. The petitioner filed O.S.No.537 of 2002 on the file of the II Additional District Munsif Court, Nagercoil, for permanent injunction against the respondents. The said suit was decreed by the judgment and decree dated 28.07.2011. While so, the 3rd respondent initiated proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Before the 2nd respondent, the petitioner produced documents to prove their title and also gave evidence. The 2nd respondent, without considering the evidence let in by the petitioner and documents filed, passed an order on 29.03.2022, declaring the petitioner Society as an encroacher of the temple property. The said order was received by the petitioner on 02.04.2022, Saturday and the petitioner filed Revision on the next working day i.e., on 04.04.2022 before the 1st respondent in SR.No.16550. The petitioner also sought for an order of stay of further proceedings pursuant to the order of the 2nd respondent. Before the petitioner could get the Revision numbered and move the application for stay before the 1st respondent, the 3rd respondent is taking coercive steps to evict the petitioner. Hence, the petitioner has come out with the present Writ Petition, seeking for a direction to the 3rd respondent from proceeding further pursuant to the order of the 2nd respondent dated 29.03.2022, pending revision petition.

5.Considering the fact that the petitioner has filed Revision Petition immediately on receipt of the order of the 2nd respondent and sought for stay of order of the 2nd respondent dated 29.03.2022 pending Revision, there shall be a stay of the



order dated 29.03.2022 for two weeks. The 3rd respondent is restrained for a period of three weeks from taking any steps in pursuant to the order of the 2nd respondent dated 29.03.2022. In the mean while, the petitioner Society is directed to get the Revision Petition numbered and move the application for stay before the 1st respondent.

With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Hindu Religious and Charitable Endowment Department (Admin),
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Thirunelveli.

3.The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowment Department,
Kanyakumari District Temples, Suchindram,
Kanyakumari.

+1 cc to Mr.K.Chandrasekaran, Advocate Sr.NO. 26487
W.P.No.9218 of 2022

PL(CO)
A.SK(25/04/2022)